UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/944
13 October 1998

ORIGINAL: ENGLISH

LETTER DATED 12 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the attach letter, dated 7 October 1998, from the President of the Republic of Angola addressed to the Secretary-General (see annex).

Please circulate this message as a document of the Security Council for the information of all Member States.

(Signed) Afonso VAN DUNEM "Mbinda"
Ambassador
Permanent Representative

Annex

Letter dated 7 October 1998 from the President of the Republic of Angola addressed to the Secretary-General

I have great pleasure in acknowledging receipt of your letter, dated 18 September 1998, in which you broach aspects related to the difficulties that the implementation of the Lusaka Protocol has been facing for some time now.

I understand your preoccupations and I recognize the efforts that the United Nations has been making with a view to contributing to the definite solution of the Angolan conflict.

It is also important to underline that the efforts of the international community, undertaken in parallel or together with the Angolan Government, have not produced any significant results for the re-establishment of peace in Angola, despite the attempts made in Gbadolite in 1989 and through the Bicesse Accords of 1991 and, currently, the Lusaka Protocol of 1994.

Without prejudice to the impartial role that the United Nations should play in any similar situation, it seems evident to us that a certain realism should prevail so that the Organization may be capable of recognizing that the responsibility for the consecutive failures of the Angolan peace process fall uniquely and exclusively on Mr. Jonas Savimbi.

I am convinced that you will understand that, after nearly 10 years, during which the Angolan Government has been fully engaged in the search for solutions for the internal conflict, showing total flexibility and tolerance without reciprocity from the União Nacional para a Independência Total de Angola (UNITA), a responsible and profound analysis of the country's present situation is imperative. An analysis that will allow us to adopt a set of measures capable of permitting, at least, the exercise of the administration that Mr. Savimbi has deliberately been trying to obstruct.

It is important to present to you a brief chronology of the events that have occurred in Angola since 1992, so that, in your appreciation of the Angolan peace process, you may produce conclusions that correspond with the aspirations of the Angolan people.

To this effect, in 1992, Mr. Savimbi, in his capacity as President of UNITA, did not disarm or demobilize all his forces, contrary to the actions undertaken within the forces of the Government, because he maintained hope of reinitiating the war, in the event that he lost the elections, with the objective of forcefully seizing power by taking advantage of the fragile state of reorganization that the National Armed Forces would be in, as in fact happened.

I would like to underline that the resumption of the war by UNITA after the 1992 elections was only possible because Mr. Savimbi deceived the Government, UNAVEM II and the observer countries by keeping 20,000 men heavily armed and equipped. This fact was, in due time, denounced by the Angolan Government in a

letter sent to your predecessor, Mr. Boutros Boutros-Ghali. Unfortunately, despite this, it was not possible to act to avoid the tragedy that followed.

The Angolan Government was forced by the circumstances to take its own measures to reorganize its army that defeated the main UNITA military forces in October 1994 in the south and central part of the country.

UNITA was left with only a few military units in the north and they too were to be defeated in November of that same year.

At that time, the Government did not proceed with its military offensive because it accepted the pleas of the Special Representative of the Secretary-General of the United Nations and the United States Government requesting indication of a location that would allow the relocation of Mr. Savimbi and his military and political headquarters, which were dispersed, in the hope that this would make the signature of the Lusaka Protocol possible.

It was as a result of this humanitarian gesture that UNITA relocated to Bailundo and Andulo, areas indicated by the Government for the above-mentioned purpose.

Despite the guarantee that this action would favour the signature of the Lusaka Protocol, the truth is that Mr. Savimbi simply did not attend the signing ceremony.

I ask that you make the pertinent conclusions from this fact so that you may better understand the essence of Mr. Savimbi's behaviour and posture, which we are surely convinced will not change now or ever.

Following the pressure applied on the Angolan authorities by the then Secretary-General of the United Nations and the United States Government, the Angolan Government accepted, on one hand, the request for the offer of the post of Vice-President of the Republic to Mr. Jonas Savimbi and, on the other hand, that the President of the Republic meet with the UNITA leader outside Angolan territory for alleged reasons of lack of security within the country.

When offered the above-mentioned post of Vice-President, Mr. Jonas Savimbi publicly rejected it after having simulated his acceptance in the presence of the President of Gabon.

The President of the Republic of Angola held four meetings with Mr. Savimbi and all the commitments made by him were literally not respected.

I would like to remind you that throughout the whole process of implementation of the Lusaka Protocol, there were always major ambiguities on Mr. Savimbi's part and, apart from that no steps were taken voluntarily by UNITA.

These aspects in themselves would be sufficient to cast doubt on any good intentions shown by Mr. Savimbi in relation to the conclusion of the Lusaka Protocol.

For this reason, it is not surprising, at least for the Angolan Government that during the year 1996, UNITA once again deceived the United Nations Angola Verification Mission (UNAVEM III) by sending innocent civilians forcefully recruited from the rural areas to the quartering areas and by hiding its real forces and weapons used in the war until 1994.

Similar to what I already described regarding the events of 1992, in 1994, the Angolan Government called for the attention of the United Nations and the observer countries to the fact that UNITA did not really disarm and demilitarize.

For this reason, in June 1997, when UNAVEM III was preparing itself to declare the total disarming of UNITA and the fulfilment of the respective clause of the Lusaka Protocol, Government forces attacked the UNITA military units in the north-east of the country with the objective of proving and showing as evidence to the United Nations and the Troika of observers of the peace process that UNITA continued to be militarized and heavily armed.

In the presence of the unequivocal demonstration of this fact, UNAVEM III had no other alternative but to set up another calendar to disarm and demobilize the UNITA forces that it entitled as surplus.

Even under these circumstances, which proved that UNITA still kept its army intact, in flagrant violation of the Lusaka Protocol, the Security Council recommended, in its resolutions 1075 (1996), 1087 (1996) and 1098 (1997) the constitution of the Government of Unity and National Reconciliation and the entrance of the UNITA deputies into Parliament.

I should underline that this measure of the Security Council countered, on one hand, the actual arrangements of the Lusaka Protocol and, on the other hand, created an unusual situation by allowing the admittance of an armed party into the Angolan political system, in flagrant violation of the constitutional law.

I suppose you remember that Mr. Savimbi did not fulfil the promises he made to you, according to which he would disarm and demobilize his forces after the constitution of the Government of Unity and National Reconciliation (GURN) and the swearing-in of the UNITA members of Parliament.

As you may know, the consequence of this false promise was that Mr. Savimbi was allowed more time to accelerate the rearmament and training of more soldiers, which increased his effective strength to the present number of 30,000 men.

I would like you to take note that Mr. Savimbi, for the motives already mentioned, strengthened his obstructionist position in relation to the implementation of the Lusaka Protocol as soon as he felt he had the capacity to confront the Government forces, and, to make his point very clear, launched a military campaign aimed at seizing power by force and in phases.

The month of May 1998 was chosen by Mr. Savimbi, not by chance, for the beginning of his campaign because it was at this time that the United Nations

Observer Mission in Angola (MONUA) reduced its staff from 7,000 to 1,200 men, and even these were in the process of being withdrawn.

In this same month of May 1998, the process of extension of the State's Administration throughout national territory should have been concluded. However, no substantial developments were registered due to the military activities carried out by UNITA under Mr. Savimbi's instructions, which not only caused the suspension of the process but also its reversal with the reoccupation by the UNITA military forces of the areas already under the State Administration.

In view of the events I have just described, I am convinced that you will have in your possession elements for the analysis that will allow you to understand and share with the Angolan Government the position it has been defending till now, for I do not believe that the United Nations can remain indifferent and tolerant before the great confusion that has been created in the national political life as a result of Mr. Savimbi's personal ambitions that impede the organs of the State from exercising the activities invested to them by the law.

So that you may know the real dimensions of the inconsistency registered in Angola's present political context, I would like to call to your attention the fact that Mr. Savimbi and his organization are integrated into the Government of Unity and National Reconciliation (GURN) and, at the same time, with an attitude contrary to all that is logical, carry out an armed combat against this same Government of which they are part.

It is obvious that this situation, which at this moment is unique in Africa and appears to be tolerated, represents a serious and bad example for the African continent as it can also discredit and confuse the role of the United Nations in its efforts for conflict resolution.

An example of this, which I place before you for consideration, is the fact that it is not well understood for which parties the United Nations and the Troika of observers are mediating in the present circumstances, whether it be between GURN and UNITA, which is also part of this same Government, or between UNITA and the MPLA Government that signed the Lusaka Protocol and that was consequently made extinct by the constitution of the GURN in April 1997.

I feel that, taking into consideration all the explanations I have given you up to this point, you will only be able to reach the same conclusions as the Government as to the need of clarifying the Angolan political situation.

It is imperative for the Government to know who are the UNITA patrons that the Government can count on to bring peace and to reconstruct the country in the midst of all this imbroglio. In this context, the emergence of the UNITA Renovation Committee was an extremely positive element.

At this moment, we are engaged in talks with the UNITA Renovation Committee with a view to searching for solutions within the framework of the Lusaka Protocol that are capable of permitting the re-establishment of peace and the consolidation of democracy.

We believe that this Committee will be encouraged by all of good faith, including the United Nations and the international committee, in maintaining a constructive partnership with the Government.

This is the only possibility and the only path to follow for the definite solution of the Angolan conflict.

I hope that you understand that since 1991, the time of the signature of the Bicesse Accords, various personalities from the world community, not forgetting the Angolan civil society itself, contacted Mr. Savimbi on numerous occasions with the objective of persuading him to assume an attitude suitable to the peaceful aspirations of the Angolan people.

From these contacts, only vain promises remained that were never fulfilled, from which Mr. Savimbi took the opportunity to create false expectations and to delay the conclusion of the Angolan peace process.

We do not believe that other new opportunities, after all the ones already given, may now suddenly change Mr. Savimbi's warlike position.

I would like to underline, Mr. Secretary-General, that the Government's definite conviction is that Mr. Savimbi did not recognize and re-equip his military forces to accept a peace, which, in his understanding as he lays great emphasis on publicly announcing, represents capitulation.

For all these reasons, I advise you not to maintain the idea of giving more opportunities to Mr. Savimbi, because this collides with the clear and just positions of the Government that I have already made reference to.

With the hope that you will contribute to facilitate the actions of the legitimate and democratically elected Government of the Republic of Angola with a view to re-establishing peace and constitutional order, I ask that you accept the assurances of my highest consideration.

(Signed) Jose Eduard DOS SANTOS
President of the Republic of Angola

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/945
13 October 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 13 OCTOBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On orders from my Government, I have the honour to inform you that a civil aircraft belonging to Congo Airlines was shot down three minutes after take-off from Kindu airport by a missile launched by armed elements of the Rwanda-Uganda coalition on Saturday, 10 October 1998.

Defying the provisions of special international law applicable to armed conflicts and violating the rules governing international civil aviation, particularly as regards safety in the air, the aggressors against the Congo caused the death of 41 people, all civilians, including women, children and 4 crew members.

It should be pointed out that this ignoble act is one more of the many such acts that have been brought to the attention of the Security Council. My Government therefore asks the Security Council to condemn this act and reiterates its request that the following measures be taken:

(1) That the aggression be condemned;

(2) That enemy troops be withdrawn from Congolese territory;

(3) That reparation be made for damage caused to the Congolese State, to its people, particularly the families affected, and to the airline.

For your information, I am providing below the data on the identification and trajectory of the aircraft that was shot down.

Report on the shooting down of the aircraft belonging to Congo Airlines

Details provided by the President-Delegate General of the Air Transport Authority on Sunday, 11 October 1998 (noon), to the office of the Minister for Foreign Affairs

I. Technical data on the aircraft

Registration: 9 QCSG

Civilian aircraft type: Boeing 727

Owner: Congo Airlines

II. Schedule for 10 October 1998

(a) Kinshasa

- The aircraft presents a flight plan for the Kinshasa-Kindu route
- Planned hour of departure from Kinshasa: 7 a.m. (Universal Time)
- Take-off: 6:56 a.m. (Universal Time)
- Arrival at Kindu: 8:26 a.m. (Universal Time)

(b) Kindu

- The aircraft presents its flight plan for the Kindu-Kinshasa route
- Planned hour of departure from Kindu: 8:45 a.m. (Universal Time)
- Take-off: 8:51 a.m. (Universal Time)

III. The facts

- After taking off from Kindu airport, the aircraft made a left turn.
- The control tower asked the pilot for his route.
- The pilot replied immediately by saying that he had heard firing and promised to call back to confirm his report.
- The pilot called back to confirm that the aircraft had been hit three (3) minutes after take-off.
- He then sent out an SOS, which was heard at Mbuji-Mayi and by another airplane that was in the air.

- In his message, the pilot informed the tower that he intended to proceed to an emergency landing between Kindu and Lodja, around "Kisni point".

That was the last contact.

IV. Analysis of the facts

According to Mr. Savros, President-Delegate General of Congo Airlines, there were 38 passengers (women and children) on board, in addition to the crew of about 4 persons.

Furthermore, military sources reported that a missile had been shot at the aircraft.

Despite the state of war that prevails in the region, neither Kindu airport nor the airspace over this zone has been closed to air traffic.

From the standpoint of international regulations, if an airport or airspace are closed, a NOTAM (Notice To Airmen) must be issued.

In this regard, according to the relevant international conventions, particularly the Chicago Convention (1944), illicit acts of intervention against civil aircraft, as well as the use of firearms against civil aircraft, are expressly prohibited and constitute violations against the safety of international civil aviation.

I should appreciate it if you would have this letter circulated as an official document of the Security Council.

(Signed) Monga Mulenda MAKONGA
Deputy Permanent Representative
Chargé d'affaires, a.i.